

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	1:15-CR-00033-1
)	
GROVER F. TUTEN, JR.,)	
)	
Defendant,)	
)	
)	
GEORGIA MUNICIPAL)	
ASSOCIATION,)	
Garnishee.)	

FINAL ORDER OF GARNISHMENT

This matter is before the Court for entry of a Final Order of Garnishment, pursuant to 18 U.S.C. § 3613 and 28 U.S.C. § 3205(c)(7) of the Federal Debt Collection Procedures Act, against the substantial nonexempt property belonging to or due Grover F. Tuten (“Defendant-Judgment Debtor”).

The United States filed an Application for Writ of Continuing Garnishment seeking substantial nonexempt property belonging to or due Defendant-Judgment Debtor, held by Garnishee Georgia Municipal Association (“Garnishee”). A Writ of Continuing Garnishment was served on Garnishee, which filed an Answer stating it had in its possession, custody, or control monthly pension payments belonging to or due Defendant-Judgment Debtor. (Doc. 49.)

Defendant-Judgment Debtor was served with the Writ and appropriate instructions (Doc. 47), but he did not file a written objection, request a hearing, or file any other response to the Writ or the Garnishee’s Answer and the twenty day statutory period to do so has elapsed. *See* 28 U.S.C. §§ 3205(c)(5), 3202(b)(d).

Having considered the entirety of the record, and noting that the Defendant-Judgment Debtor did not requested a hearing or file a written objection, the Court grants the United States' Motion for Entry of Final Order of Garnishment and orders as follows:

THIS COURT ORDERS that the Garnishee shall pay to the Clerk of the Court within 15 days from the date of this Order the non-exempt disposable earnings that it has already withheld pursuant to the Writ; thereafter Garnishee shall pay to the United States, on at least a monthly basis, the lesser of:

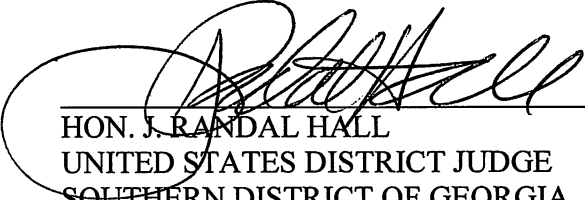
1. 25% of disposable earnings of Defendant-Judgment Debtor, Grover F. Tuten, or
2. Amounts by which the disposable earnings of Defendant-Judgment Debtor, Grover F. Tuten, for a week exceed 30 times the federal minimum hourly wage.

See 15 U.S.C. § 1673(a).

IT IS ORDERED that all payments by the Garnishee under this Order shall be made by certified check bearing case number 1:15-CR-00033-1, payable to "Clerk, U.S. District Court," and delivered to the United States District Court Clerk, P.O. Box 1130, Augusta, GA 30903.

IT IS ORDERED that the Garnishee shall provide written notification of the dates and amounts of all payments delivered to Clerk of Court under this Order to: the Defendant-Judgment Debtor's counsel, Danny Durham, Durham Law Firm, 2350 Washington Road, Augusta, GA 30904; and with copies to the United States Attorney's Office, Attention Financial Litigation Unit, P.O. Box 8970, Savannah, GA 31412.

IT IS SO ORDERED this 10th day of March, 2016.



HON. J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA